



JPW

Dkt. 0687/74768-AA/JPW/GJG/JRM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Wayne Graham and Robert Norman Rice.
Serial No. : 10/759,841 Examiner : Whiteman, Brian A.
Filed : January 15, 2004 Art Unit : 1635
For : SYNTHETIC GENES AND GENETIC CONSTRUCTS

1185 Avenue of the Americas
New York, New York 10036

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REVOCATION OF POWER OF ATTORNEY, APPOINTMENT OF NEW ATTORNEYS,
AND NOTICE OF NEW CORRESPONDENCE ADDRESS

Michael Wayne Graham and Robert Norman Rice are the currently named inventors of the above-identified application. Each of Michael Wayne Graham and Robert Norman Rice assigned his rights and interests in the subject application to joint assignees: The State Of Queensland Through Its Department Of Primary Industries and Benitec Australia Limited by virtue of an April 29, 2003 assignment of the parent application of which the subject application is a continuation, and a copy of the assignment is attached hereto as Exhibit A, and any continuations thereof, and recorded June 24, 2003 with the United States Patent and Trademark Office in connection with the parent application at reel 013755, frames 0922 to 0924. The State Of Queensland Through Its Department Of Primary Industries assigned its rights and interest in the subject application to Commonwealth Scientific And Industrial Research Organisation ("CSIRO") by virtue of an December 8, 2003 assignment, a copy of which is attached hereto as Exhibit B, and recorded August 10, 2004 with the United States Patent and Trademark Office at reel 015085, frames 0745 to 0751. Benitec Australia Limited assigned its rights and interest in the subject application to CSIRO by virtue of an August 21, 2006 assignment, a copy of which is attached hereto as Exhibit C, and recorded November 2, 2006 with the United States Patent and Trademark Office at reel 018472, frames 0587 to 0595. Accordingly, CSIRO is the assignee of all rights and interest in the

Applicants : Michael Wayne Graham and Robert Norman Rice
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Page 2 of 2 of Revocation of Revocation Of Power Of Attorney,
Appointment Of New Attorneys And Notice Of New Correspondence Address

subject application.


CSIRO hereby pursuant to 37 C.F.R. § 3.73(b) revokes all powers of attorney previously granted and appoints the following attorneys: John P. White (Reg. No. 28,678); Gary J. Gershtik (Reg. No. 39,992); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Philips (Reg. No. 29,691); and Paul Teng (Reg. No. 40,837); and each of them, all c/o Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036 (Tel. (212) 278-0400), its attorneys, each with full power of substitution and revocation, to make alterations and amendments to this application, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please address all communications and direct all telephone calls regarding this application to:

JOHN P. WHITE, ESQ.
COOPER & DUNHAM LLP
(CUSTOMER NUMBER 23432)
1185 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036
TEL. (212) 278-0400

I am an official authorized to sign this Revocation Of Power Of Attorney, Appointment Of New Attorneys And Notice Of New Correspondence Address on behalf of CSIRO.

Commonwealth Scientific And Industrial Research Organisation

By : 
Robert C. de Feyter
Intellectual Property Manager
CSIRO Plant Industry

Date : 23 July 2008

EXHIBIT A

**ASSIGNMENT
JOINT**

THIS ASSIGNMENT, by Michael Wayne GRAHAM and Robert Norman RICE (hereinafter referred to as the assignors), residing at 38 Cobbadah Street, Jindalee, Queensland, Australia 4074, Australia and 39 Foley Place, Sinnamoni Park, Queensland, Australia 4106, Australia, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in SYNTHETIC GENES AND GENETIC CONSTRUCTS COMPRISING SAME I, set forth in an application for Letters Patent of the United States, having an oath or declaration executed on even date herewith; bearing Serial No. 10/346,853 and filed on January 17, 2003; and

WHEREAS, BENITEC AUSTRALIA LIMITED, a corporation duly organized under and pursuant to the laws of Australia and having its principal place of business at P.O. Box 4193, St. Lucia South, QLD 4067 Australia and the STATE OF QUEENSLAND through its Department of Primary Industries, and having its principle place of business at Primary Industries Bldg., 80 Ann Street, Brisbane Queensland 4000 Australia (hereinafter referred to as the ASSIGNEES) are desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignees, their successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignees, for their own use and the use of their successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignees, their successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignees, their successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignees, or the counsel of their successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignees, their successors, legal representatives and assigns, but at the cost and expense of said assignees, their successors, legal representatives and assigns.


sf-1491275

Applicants : Michael Wayne Graham
and Robert Norman Rice
U.S. Serial No. : 10/759,841
Filed : January 15, 2004

Exhibit A

AND said assignor by request the Commissioner of Patents to issue Letters Patent of the United States to said assignees as the assignees of said inventions and the Letters Patent to be issued thereon for the sole use of said assignees, their successors, legal representatives and assigns.

29 April, 2003
Date


Michael Wayne GRAHAM

29 April, 2003
Date


Robert Norman RICE

EXHIBIT B

BLAKE DAWSON WALDRON
P A T E N T S E R V I C E S

Deed of Assignment

State of Queensland
through its Department of Primary Industries

Commonwealth Scientific and Industrial Research Organisation

Blake Dawson Waldron Patent Services
Level 39, 101 Collins Street
Melbourne VIC 3000
Telephone: + 61 3 9679 3065
Fax: + 61 3 9679 3111

Applicants : Michael Wayne Graham
and Robert Norman Rice
U.S. Serial No. : 10/759,841
Filed : January 15, 2004

Exhibit B

Ref: WJP IP CLN 1303 9625

© Blake Dawson Waldron Patent Services 2003

ASSIGNMENT OF APPLICATIONS AND PATENTS

DATE 8 December 2003

PARTIES

State of Queensland through its Department of Primary Industries, of Primary Industries Building, 80 Ann Street, Queensland (Assignor)

Commonwealth Scientific and Industrial Research Organisation a body corporate established by the Commonwealth Science and Research Act 1949 and having its principal office at Limestone Avenue, Campbell in the Australian Capital Territory (Assignee)

RECITALS

The Assignor assigns all of its rights and interests in the Applications and Patents set out in the attached Schedule to the Assignee, on the terms set out in this Deed of Assignment.

OPERATIVE PROVISIONS

1. DEFINITIONS

The following definitions apply in this document.

Applications means the patent applications described in the Schedule and any divisional applications from any of them and any amendments, continuations or continuations-in-part of any of them.

Benitec Australia Limited, ACN 080 299 645, of Suite 4, 242 Hawken Drive, St Lucia, Queensland (**Benitec Australia**)

Patents means the registered patents described in the Schedule and any divisional applications from any of them and any amendments, extensions, re-issues, or re-grants of any of them.

2. ASSIGNMENT

In consideration of the sum of \$1 and other good and valuable consideration now paid by the Assignee to the Assignor, receipt of which the Assignor acknowledges, the Assignor, as beneficial owner, assigns to the Assignee all its rights and interests in:

- (a) the Applications; and
- (b) the Patents.

3. REGISTRATION

The Assignor undertakes at the expense of the Assignee to do all acts and execute all documents necessary to ensure that the Applications and the Patents will issue jointly in the names of Benitec Australia Limited and the Assignee. In the event of default by the Assignor to perform such acts or execute necessary documents, but only after the Assignor has been given a proper and reasonable opportunity to perform the acts or

execute the documents, the Assignor appoint the nominee of the Assignee as the Assignor's attorney for that purpose.

4. GOVERNING LAW

This Deed is governed by the law of New South Wales. The parties submit to the non-exclusive jurisdiction of courts exercising jurisdiction there.

EXECUTED as a deed this 8th day of December 2003

EXECUTED for and on behalf of the
DEPARTMENT OF PRIMARY
INDUSTRIES on behalf of the State of
Queensland by:

Signature

PETER L. JONES

Name and position

Director Biodiversity
DPI

Signature of witness

Debra Davis
Name of witness

EXECUTED for and on behalf of the
COMMONWEALTH SCIENTIFIC AND
INDUSTRIAL RESEARCH
ORGANISATION by:

Signature

M. BAGHAI, Exec Director

Name and position

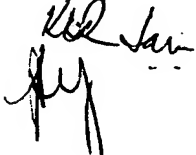
BDIC

Signature of witness

J. STEENE
Name of witness


AGREEMENT TO ASSIGNMENT

Benitec Australia Limited, ACN 080 299 645, of Suite 4, 242 Hawken Drive, St Lucia, Queensland hereby acknowledges its agreement to the assignment set out above.

SIGNED, SEALED AND DELIVERED for and on behalf of 
~~THE COMMON SEAL of~~ BENITEC
 AUSTRALIA LIMITED, the fixing of
 which was witnessed by:


 Signature of director

John A. McKinley
 Name


 Signature of director/secretary

KEN C. REED
 Name

SCHEDULE

APPLICATIONS AND PATENTS

Granted Patents

Graham, M.W. and Rice, R.N. (2001) Control of gene expression. ZA 2000/4507.

Graham, M.W. and Rice, R.N. (2002) Control of gene expression. AU 2001100608.

Graham, M.W. and Rice, R.N. (2002) Control of gene expression. SG 75542.

Graham, M.W. and Rice, R.N. (2003) Genetic constructs for delaying or repressing the expression of a target gene. US 6,573,099.

Graham, M.W. and Rice, R.N. (2003) Control of gene expression. GB 2353282.

Accepted Patents

Graham, M.W. and Rice, R.N. (2001) Control of gene expression. AU 743316.

Graham, M.W. and Rice, R.N. (2003) Control of gene expression. NZ 506648.

Patent Applications

Graham, M. W. and Rice, R.N. (US 09/997/905) Synthetic Genes and genetic constructs comprising same I.

Graham, M.W. and Rice, R.N. (US 10/346,853) Synthetic genes and genetic constructs comprising same I.

Graham, M.W. and Rice, R.N. (WO 99/49029 (PCT/AU/99/00195)) Control of gene expression.

Graham, M.W. and Rice, R.N. (BR PI9908967-0) Control of gene expression.

Graham, M.W. and Rice, R.N. (CA 2,323,726) Control of gene expression.

Graham, M.W. and Rice, R.N. (CN 99804255-2) Control of gene expression.

Graham, M.W. and Rice, R.N. (CZ PV2000-3346) Control of gene expression.

Graham, M.W. and Rice, R.N. (EP 99910039.9) Control of gene expression.

Graham, M.W. and Rice, R.N. (HK 01105904.3) Control of gene expression.

Graham, M.W. and Rice, R.N. (HU PO101225) Control of gene expression.

Graham, M.W. and Rice, R.N. (IN 2000/00169/DEL) Control of gene expression.

Graham, M.W. and Rice, R.N. (JP P2000-537990) Control of gene expression.

Graham, M.W. and Rice, R.N. (KR 7010419/2000) Control of gene expression.

Graham, M.W. and Rice, R.N. (MX 008631) Control of gene expression.

Graham, M.W. and Rice, R.N. (PL P.343064) Control of gene expression.

Graham, M.W. and Rice, R.N. (SK PV1372-2000) Control of gene expression.

Graham, M.W. and Rice, R.N. (AU 95225/01) Control of gene expression.

Graham, M.W. and Rice, R.N. (AU 35647/02) Control of gene expression.

Graham, M.W. and Rice, R.N. (NZ 525941) Control of gene expression.

Graham, M.W. and Rice, R.N. (SG 200205122-5) Control of gene expression.

Graham, M.W. and Rice, R.N. (US 09/646,807) Control of gene expression.

Priority Documents

Graham, M.W. (1998) Synthetic genes and genetic constructs comprising same I. AU PP2492/98.

Graham, M.W. and Rice, R.N. (1998) Gene expression I. AU PP2499/98.

EXHIBIT C

Deed of Assignment

Benitec Australia Limited

Commonwealth Scientific and Industrial Research Organisation

C:\WINDOWS\Temporary Internet Files\OLKCS\Assignment Deed 21 August 2006 v3.DOC

Applicants : Michael Wayne Graham
and Robert Norman Rice
U.S. Serial No. : 10/759,841
Filed : January 15, 2004

Exhibit C

Deed of Assignment

DATE 21 August 2006

PARTIES

Benitec Australia Limited, ACN 080 299 645, of C/- Adsto International, Adsto House, 401 New Canterbury Road, P.O. Box 20, Dulwich Hill, NSW, Australia 2203 (Assignor)

Commonwealth Scientific and Industrial Research Organisation a body corporate established by the Commonwealth Science and Research Act 1949 and having its principal office at Limestone Avenue, Campbell in the Australian Capital Territory (Assignee)

RECITALS

The Assignor assigns all of its right, title and interest in and to the Applications and Patents set out in the attached Schedule to the Assignee, on the terms set out in this Deed of Assignment.

OPERATIVE PROVISIONS

1. DEFINITIONS

The following definitions apply in this document.

Applications means the patent applications described in the Schedule and any divisional applications from any of them and any amendments, continuations or continuations-in-part of any of them; and any patent that issues from any of the patent applications;

Patents means the registered patents described in the Schedule and any divisional applications from any of them and any amendments, extensions, re-issues, or re-grants of any of them.

2. ASSIGNMENT

In consideration of the sum of \$1 and other good and valuable consideration now paid by the Assignee to the Assignor, the receipt and sufficiency of which the Assignor acknowledges, the Assignor, as beneficial owner, assigns to the Assignee all of its right, title and interest in and to:

- (a) the Applications; and
- (b) the Patents;

and to the extent that any of the Applications or the Patents have previously been assigned by the Assignor to the Assignee, the Assignor and the Assignee hereby confirm such previous assignment.

3. REGISTRATION

The Assignor undertakes at the expense of the Assignee to do all acts and execute all documents necessary to ensure that the Applications and the Patents will issue in the sole

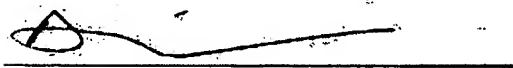
name of the Assignee. In the event of default by the Assignor to perform such acts or execute necessary documents, but only after the Assignor has been given a proper and reasonable opportunity to perform the acts or execute the documents, the Assignor appoint the nominee of the Assignee as the Assignor's attorney for that purpose.

4. GOVERNING LAW

This Deed is governed by the law of New South Wales. The parties submit to the non-exclusive jurisdiction of courts exercising jurisdiction there.

EXECUTED as a deed this 21st day of August 2006.

EXECUTED for and on behalf of BENITEC
AUSTRALIA LIMITED by:



Signature:

Peter Francis, Chairman

Name and position:

R. Arons


Signature of witness:

Richard Arons

Name of witness:

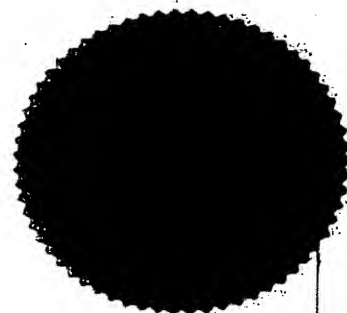
Subscribed and sworn to before me this 21st day of August 2006.

(Notarial Seal)

By: 

Notary Public:

EMILIOS JOHN KYROU
PUBLIC NOTARY.
LEVEL 50, 600 BOURKE STREET
MELBOURNE 3000 VICTORIA AUSTRALIA
TEL: (013) 9643 4184 FAX: (013) 9643 5999
EMAIL: emilios.kyrou@mallesons.com



EXECUTED for and on behalf of the
COMMONWEALTH SCIENTIFIC AND
INDUSTRIAL RESEARCH
ORGANISATION by:

Jack Steele

Signature

Dr Jack Steele
Chief of Staff
CSIRO Business Services

Name and position

Celia Murray

Signature of witness

CELIA MURRAY

Name of witness

Subscribed and sworn to before me this 21st day of August 2000

(Notarial Seal)



By

Notary Public

G. Hammond
GREGORY NORMAN HAMMOND
NOTARY PUBLIC
SYDNEY

SCHEDULE

APPLICATIONS AND PATENTS

- Graham, M.W. and Rice, R.N. Control of gene expression. US 10/646,070.
- Graham, M.W. and Rice, R.N. (2001) Control of gene expression. ZA 2000/4507.
- Graham, M.W. and Rice, R.N. (2002) Control of gene expression. AU 2001100608.
- Graham, M.W. and Rice, R.N. (2002) Control of gene expression. SG 75542.
- Graham, M.W. and Rice, R.N. (2003) Control of gene expression. GB 2353282.
- Graham, M.W. and Rice, R.N. (2001) Control of gene expression. AU 743316.
- Graham, M.W. and Rice, R.N. (2003) Control of gene expression. NZ 506648.
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- Graham, M.W. and Rice, R.N. (HK 01105904.3) Control of gene expression.
- Graham, M.W. and Rice, R.N. (HU PO101225) Control of gene expression.
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- Graham, M.W. and Rice, R.N. (MX 008631) Control of gene expression.
- Graham, M.W. and Rice, R.N. (PL P.343064) Control of gene expression.

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Graham, M.W. and Rice, R.N. (AU 95225/01) Control of gene expression.

Graham, M.W. and Rice, R.N. (AU 35647/02) Control of gene expression.

Australian Patent Publication No. 2005209648.

Australian Patent Publication No. 2005211538.

Graham, M.W. and Rice, R.N. (NZ 525941) Control of gene expression.

New Zealand Patent Application No. 536674.

New Zealand Patent Application No. 547283

Graham, M.W. and Rice, R.N. (SG 200205122-5) Control of gene expression.

Graham, M.W. and Rice, R.N. (US 09/646,807) Control of gene expression.

US Patent Application No. 10/759,841.

US Patent Application No. 10/821,710.

US Patent Application No. 10/821,726.

Graham, M.W. (1998) Synthetic genes and genetic constructs comprising same I. AU PP2492/98.

Graham, M.W. and Rice, R.N. (1998) Gene expression I. AU PP2499/98.

Australian Patent Publication No. 2005202658.

Brazil Patent Application No. PI9917642-4

Canada Patent Application No. 2513336.

China Patent Application No. 200510083325.1

Europe Patent Application No. 05013010.3

Hungary Patent Application No. PO500631

India Patent Application No. 3413/DELNP/2005

Japan Patent Application No. 2003-223953

Mexico Patent Application No. PA/a/2005/006838

Poland Patent Application No. P.377017

Singapore Patent Application No. 200503921-9

South Korea Patent Application No. 7005341/2006

United States Patent Application No. 11/180,928 (Published as US20050250208)

United States Patent Application No. 11/218,999 (Published as US20060014715)

and any other patent or patent application claiming priority from PP2492 or PP2499, US Patent Application Numbers 09/100,812, or 09/100,813 and divisional applications from any of the patents and patent applications listed in this Schedule and any amendments, continuation or continuation-in-part applications, extensions, re-issues or re-grants of or to all or any of the patents and patent applications listed in this Schedule together with any renewal, division, continuation, continued prosecution application or continuation-in-part of any of such patents, certificates and applications, any and all patents or certificates of invention issuing thereon, and any and all reissues, re-examinations, extensions, divisions, renewals, substitutions, confirmations, registrations, re-validations, revisions, and additions of or to any of the foregoing, and any foreign counterparts of any of the foregoing, but with the sole exception of US Patent Number 6,573,099.